

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MARK BIROSHAK, et al.,

Case No. C-1-01-0300

Plaintiffs,

Judge Weber

v.

THE CITY OF HAMILTON, OHIO,  
et al.,

**AFFIDAVIT OF NEIL R. FERDELMAN**

Defendants.

STATE OF OHIO            )  
                                  ) SS:  
COUNTY OF BUTLER        )

Neil R. Ferdelman being first duly cautioned and sworn deposes and states:

1       I, Neil R. Ferdelman, am employed by the City of Hamilton, Ohio as Chief of Police and was so employed on May 7, 1999;

2.       have personal knowledge of the qualifications and training of each of the Hamilton officers who participated in the raid of the Biroshak residence at 922 Vine Street, Hamilton, Ohio on May 17, 1999;

3       Each of the Hamilton officers was a duly certified police officer by the State of Ohio;

4.       All of the Hamilton officers were SWAT members with the exception of Lt. Greg Dininger;

5       Each SWAT team member receives training in the use of weapons, tactics and all aspects of conducting searches, securing of premises, and other similar situations, etc.;


6. In addition to the state certification, the SWAT members receive additional training which is ongoing and the team meets at least once per month for additional training, refreshing of skills, etc.

7 The Hamilton officers who participated in the raid of the Biroshak residence on May 17, 1999, were properly trained for the activity in which they were engaged on May 17, 1999.

8. I am aware of the type of activity undertaken by the Hamilton officers on May 17, 1999 by having read reports prepared by the officers who participated in the raid with regard to what occurred during the raid;

9. Wendell S Sorrell was not a police officer employed by the City of Hamilton and did not participate in the May 17, 1999 activity at the Biroshak residence at 922 Vine Street, Hamilton, Ohio.

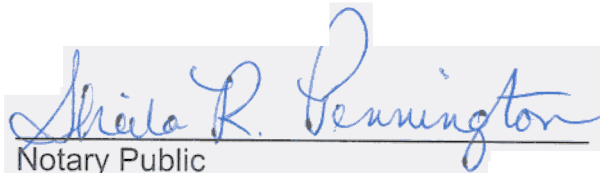
Further Affiant sayeth naught.

  
Neil R. Ferdelman

Sworn to and subscribed before me, a notary public, by Neil R. Ferdelman on this 18<sup>th</sup> day of November, 2003.



SHEILA PENNINGTON  
Notary Public, State of Ohio  
My Commission Expires 3-24-08

  
Notary Public